



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	James D. Herrick	Examiner:	Traviss D. McIntosh III
Serial Number:	10/692,338	Group art unit:	1623
Filed:	10/23/2003	Docket:	BP.028US2
Title:	Compositions for Cardiac Rehabilitation		

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I, James D. Herrick, hereby declare as follows:

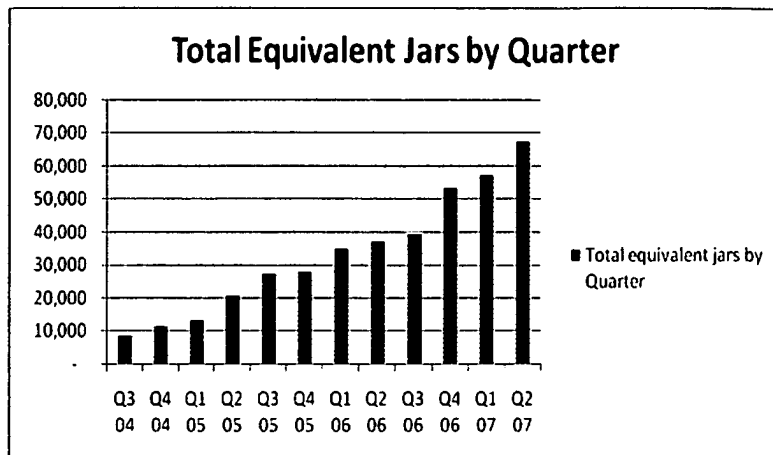
1. Having received a B.S. degree in Pharmacy and a Master of Science degree, both from the University of Wisconsin, and having obtained a residency in Hospital Pharmacy Management from the University of Wisconsin Hospitals, I have been employed 40 years in various healthcare and academic positions in hospital pharmacy, hospital administration, managed care, pharmaceutical industry and biotechnology.

2. I am currently the Vice President of Business Development at Bioenergy Life Science, Inc., a division of Bioenergy, Inc., the assignee of the above referenced patent application. As part of my duties at Bioenergy, I am responsible for oversight of clinical research on ribose and Corvalen® and for key clinical accounts associated with the use of ribose for cardiac rehabilitation.

3. Bioenergy began selling ribose for cardiac rehabilitation and cardiac health in 2002 under its brand name CORvalen®. In 2005, Bioenergy began private labeling ribose based products to third parties for sale to clinics and individual patients. In 2003, Bioenergy began selling bulk ribose to repackagers and distributors who would repackage ribose into private labeled product for cardiac rehabilitation and related cardiac health.

4. Prior to Bioenergy's entry into the market with products for cardiac rehabilitation and nutritional supplements for cardiac health, to my knowledge and belief, ribose was not sufficiently recognized as being efficacious for this purpose in order to induce a manufacturer to provide it to the public. Subsequent to Bioenergy's entry into the market, the products have achieved commercial success as illustrated by the graph below. The graph combines units of

Corvalen and equivalent volume of ribose sold to repackagers with similar medical needs and characteristics.



5. From the third quarter 2004 through the second quarter 2007, a period of less than three years, sales have increased seven-fold. It is expected that this upward trend of commercial success will continue.

6. It is my opinion that the use of ribose for cardiac rehabilitation and cardiac health as claimed in the above referenced patent application would not have been obvious to those skilled in cardiac rehabilitation and health at the time that the inventors of this application made their discovery.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application issued thereon.

Submitted by: Original was signed  
James D. Herrick  
Vice President of Business Development  
Bioenergy, Inc.